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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/286,087	04/02/1999	HOCK CHYE GAN	476-1737	4515

7590

08/27/2002

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EXAMINER

SOBUTKA, PHILIP

ART UNIT

PAPER NUMBER

2683

DATE MAILED: 08/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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ART UNIT	PAPER
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12

DATE MAILED:

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**Commissioner of Patents and Trademarks**

**Office Action Summary**

Application No.

09/286,087

Applicant(s)

GAN ET AL.

Examiner

Philip J. Sobutka

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 June 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 7-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \*   c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. Claims 1,2,3,5,13,14 are rejected under 35 U.S.C. 102(b) as being anticipated by Houde et al (US 5,623,532).

Consider claims 1-3,5,13,14. Houde teaches a method for migrating subscriber data associated with subscriber identities from a first HLR node to a second HLR node comprising the step of sequentially for each subscriber to be migrated transferring active subscriber data associated with the identity from the first node to the second node (Houde see especially figs 3,7). Note that Houde teaches a diversion function wherein transactions addressed for a subscriber identity arriving at one node are forwarded to the other node (Houde see especially col lines 12-25). Therefore, the first, diverted, node data record could be considered to be in standby, while the new node is active. Note that there is no indication in Houde that the data records for other subscribers would cease to be active.

2. Claims 1-3,5,7-10,13,14 are rejected under 35 U.S.C. 102(e) as being anticipated by Ericsson et al (US 5,956,637).

Consider claims 1-3,5,13,14. Ericsson teaches migrating data corresponding to subscriber identities between two or more HLRs (Ericsson see especially col 3, lines 10-37). Note that Ericsson teaches diverting transactions from one HLR to the other HLR where the subscriber is active (Ericsson, see especially col 4, lines 28-47). Therefore, the data in the first HLR would be in standby, while the second is active. Note that there

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is no indication in Ericsson that the data records for other subscriber would cease to be active.

As to claim 7, note that the transfer would effectively "disable" the data in the first HLR (Ericsson see especially see especially col 14, lines 11-62).

As to claims 8-10, note that the routing pointer in the first HLR would effectively change the data in the first HLR to "standby" while the data in the second data HLR would be active (Ericsson see especially see especially col 14, lines 11-62).

***Claim Rejections - 35 USC § 103***

3. Claims 11,12,15,16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Houde et al.

Houde teaches everything claimed as shown above except for the method being stored as a program on a computer readable medium. Official Notice is taken that it is notoriously well known in the art to store methods as programs on a computer readable medium. It would have been obvious to one of ordinary skill in the art to modify Houde to store the method as a program on a computer readable medium in order to allow the method to be easily and quickly transferred to another system.

4. Claims 11,12,15,16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ericsson et al.

Ericsson teaches everything claimed as shown above except for the method being stored as a program on a computer readable medium. Official Notice is taken that it is notoriously well known in the art to store methods as programs on a computer readable medium. It would have been obvious to one of ordinary skill in the art to

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modify Ericsson to store the method as a program on a computer readable medium in order to allow the method to be easily and quickly transferred to another system.

5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ericsson et al (US 5,956,637) in view of Nguyen (US 6,021,327).

Ericsson teaches everything claimed as shown above except for the data being deleted from the first HLR. Nguyen teaches deleting data from a location register in which a subscriber is no longer active (Nguyen col 1, lines 45-57). It would have been obvious to one of ordinary skill in the art to modify Ericsson to delete the subscriber data from a register where the subscriber was no longer active in order to prevent the registers from filling the databases with information that is no longer needed.

#### **Response to Arguments**

6. Applicant's arguments filed 6-10-02 have been fully considered but they are not persuasive.

7. Applicant's arguments are not persuasive since, while the applicant may indeed have a different definition for standby that would distinguish over the cited art, this definition is not present in the claims. Note also that while Ericsson may not be performing the data migration for the same reason, the claims do not distinguish over Ericsson's methods.

#### **Conclusion**

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Sobutka whose telephone number is 703-305-4825. The examiner can normally be reached on Monday-Friday 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Philip Sobutka

Pjs  
August 24, 2002

  
WILLIAM TROST  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600